THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16801 of 2005

Between:

Hadi Ali Khan

.. Petitioner

and

The District Collector and others

.. Respondents

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16801 of 2005

O R D E R:

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This writ petition is filed questioning the action of the respondents in trying to take possession of the land admeasuring 4702 Sq.yards in Sy.Nos.33 and 34 of Mir Sagar village, Miralam tank, of the petitioners and also demolishing the structures existing thereon, as illegal and arbitrary.

It is the case of the petitioners that they along with their other four brothers and two sisters are the absolute owners and possessors of the land in question, by way of an

oral gift by their maternal aunt Smt. Zohra Sultana Begum. Since then, they are in joint possession of the same. While so, when the authorities of M.C.H., tried to demolish the structures, the legal heirs of Sultana Begum filed O.S.Nos.1519, 1520, 1521 of 2004 on the file of the VII Assistant Judge, City Civil Court, Hyderabad seeking perpetual injunction, which was decreed on 31.12.1997. The petitioners stated that the respondents are proceeding with the proposed action of taking measurements of the land as well as demolishing the structures, without giving proper notice to them. Hence, this writ petition seeking necessary directions.

Heard the learned counsel for the petitioners and the learned Government Pleader.

When the writ petition has come up for admission today, the learned Government Pleader submitted that the lands situated in Sy.Nos.33 and 34 of Meersagar village were classified as patta lands (Talab Thota Patta). The petitioners' land was covered by F.T.L. Limits as the land is adjacent to the Miralam Tank. He further submitted the entire Miralam Tank is now under the control of H.U.D.A. and hence the question of respondents 1 an 2 interfering with the possession of the petitioners does not arise.

Recording the submissions made by the learned Government Pleader, the writ petition is dismissed as against respondents 1 and 2. Insofar as respondents 3 and 4 are concerned, the writ petition is disposed of. It is made clear that if any part of the land of the petitioners is required to implement the Government Policy to restore water bodies in the interest of the environment and to improve the ecological balance, the fourth respondent is directed to acquire the same, duly following the procedure in accordance with law. There shall be no order as to costs.

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04.08.2005

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